

Daniel W. Sexton, Esq. LLC

ATTORNEY AT LAW
229 NEW CENTRE ROAD
HILLSBOROUGH, NEW JERSEY 08844
PHONE: (201) 406 – 9960
DanielSextonEsq@gmail.com

February 28, 2022

Via Electronic Filing

Hon. Julien Xavier Neals, U.S.D.J.
Federal Building & Courthouse 50 Walnut Street
Room 4015 Newark, NJ 07101

Re: Parks, Nijeer v. McCormack, John E., et al
Civil Action No.: 2:21-CV-04021 DOL# 21-00054

Dear Judge Neals:

A. Introduction

Please accept this letter brief in addition to the previously filed Opposition brief to the Rule 12(b)(1) Motion to Dismiss of the Middlesex County Prosecutor's Office Defendants (MCPO) which argues for dismissal based on prosecutorial immunity.

Recently received discovery indicates both that the Defendant Prosecutors were involved in and, indeed, supervised the investigation into the crime at the Hampton Inn- and that the investigation into the crime was flawed and irregular in every respect to a degree that shocks the conscience. Although still at the early stages of discovery, the record demonstrates that the Defendants knew or should have known that the suspect was Barrington A. Walker who is tied to the scene by fingerprints, DNA evidence, video footage, and clothing. Nijeer Parks who was in Patterson, NJ at the time had nothing to do with the scene and not a shred or even scintilla of

evidence connected him in any way to the crime. Indeed, every piece of evidence positively exonerated Plaintiff as did, of course, the fact that he had never had a driver's license, had never been to the Hampton Inn and had had a solid alibi for the time and place of the crime. Therefore, the prosecutorial immunity is not applicable and the Motion to Dismiss must be denied in its entirety. *Buckely v. Fitzsimmons*, 509 U.S. 259 (1993), citing *Hampton v. Chicago*, 484 F.2d 602, 608 (7th Cir., 1973) which holds that prosecutors not immune when exercising investigative functions.

B. Recently Received Discovery Shows that the Investigation Intentionally Violated Plaintiff's Rights

Responses to Plaintiff's first set of discovery demands by the Woodbridge Police Department (WPD) contain shocking evidence and details that demonstrate that Plaintiff, an African American male, was the victim of an intentional false arrest on charges known by defendants to be false. As shown in Plaintiff's original opposition and restated below, the MCPO oversees all investigations and was involved, *inter alia*, through the supervision and actions of Defendant Peter Nastasi, a member of the MCPO. The additional details on the deficient investigatory process include the following:

- WPD IS Bureau report of Detective Quesada summarized the evidence and concluded on January 26, 2019, the day of the incident that "[a]ll property [was] prepared for evidence or DNA analysis." PARKS 000098 (attached hereto as Exhibit A).
- Despite this, the Affidavit of Probable cause (PARKS00008 – 00010) relies solely on the facial recognition match. (Attached hereto as Exhibit B)
- The facial recognition match was, based on the documents itself, not a basis for probable cause. Discovery contains a request for this information. The NJ Regional Operations

Intelligence Center form which is what generates a facial recognition search prominently states at the top of the form:

If the NJ ROIC Facial Recognition Initiative produces a possible match, this should only be considered an investigative lead. Further investigation is needed to confirm a possible match through other investigative corroborated information and/or evidence.
INVESTGATIVE LEAD, NOT PROBABLE CAUSE TO MAKE AN ARREST [emphasis in original]

PARKS000091 (attached hereto as Exhibit C)

- Moreover, the facial recognition match was made after the original photo had been altered and the Defendants knew this. Investigator Seamus Lyons, the investigator at the Rockland County Intelligence Center, explained to Detective Tapia that he had **“altered the photo on the license”** and then he used it to obtain the match. [emphasis added]

PARKS000034 (Attached hereto as Exhibit D).

- Moreover, although the WPD described the facial recognition Investigator Lyons described this search results as a “possible hit.” Parks 000035 (Attached hereto as Exhibit E).
- All of the paperwork for the issuance of a warrant and complaint were prepared without any of the normal and required corroborative information and/or evidence being even looked at.
- Thus, for example, the NCIC 2000 Response to the request for a fingerprint match which indicates that the request was sent and received on February 14, 2019 also indicating a match with Barrington Walker. PARKS000099- 105 (Attached hereto as Exhibit F).
- Inexplicably, this ID Bureau Suspect Report was not signed off on until January 22, 2021, almost two years later and about three weeks after this case became a matter of intense public interest. PARKS000148 (Attached hereto as Exhibit G)

- A DNA Request was made by Detective Jorge Quesada as indicated by the undated request form. PARKS000106 (attached hereto as Exhibit H).
- CODIS provided a “high stringency match” to Barrington Walker on the DNA sample on or about July 30, 2021. PARKS000149 (attached hereto as Exhibit I).
- Although there was video of the actor, this was never used in the investigation.
- Although there were multiple eye witness, no lineups were done.
- PO Lee, who had been dispatched to the scene at the Hampton Inn and had interacted with the suspect, was contacted by Lt. Ng who advised him that “Nijeer Parks, who was involved in the incident on January 26, 2019.” PO Lee described what happened next:

I arrived at HQ and was brought down to the processing area with Lt. Ng and Det. Sgt. Penicaro. Once there, I observed Mr. Parks sitting on the rail and identified him as being the suspect from the January 2019, incident at the Hampton Inn on Rt. 9N.” PARKS 000076 - 8 (attached hereto as Exhibit J).

This is a clearly biased and unreliable identification which used none of the standard protocols, e.g. a line up.

- All of this investigation was done under the direction and supervision and with actual involvement of the Defendant MCPO Defendants.

The only fair conclusion here is that defendants, including, as shown below, the MCPO Defendants, knew or should have known that they were charging, arresting, incarcerating, and setting in motion the prosecution of the wrong man.

C. Middlesex County Prosecutor Oversaw the Investigation

The Complaint provides a detailed allegations of the MCPO having been involved in an illegal and unconstitutional investigation. Paragraphs 34 through 38 of the Complaint recount the

wrongdoing of the Middlesex County Prosecutor. Christopher Kuberiet, , the then acting Middlesex County Prosecutor, in his personal and/or official capacity, either directly or through his agent engaged in a series of wrongdoings. Upon information and belief, Defendant Kuberiet was involved in the investigation which consisted entirely of the faulty facial recognition match and which either intentionally ignored the panoply of exonerating evidence or failed culpably to include it in the investigation. In other words, “the Middlesex County Prosecutor cooperated and joined with the Woodbridge Police Defendants in utilizing the facial recognition technology in an illegal and unconstitutional manner.” . *Id. at* ¶ 37. The Prosecutor acted “wrongly either out of personal motive, with malicious intent, or in excess of its jurisdiction.....” . *Id. at* ¶ 38. Moreover, it is alleged that Defendant Kuberiet, failed to supervise the use of facial recognition by its assistant prosecutors. *ECF No. 16*, ¶ 125. Plaintiff further alleges that the Middlesex County Prosecutor failed to properly train and discipline its assistant prosecutors. *Id. at* ¶¶ 126-127. As to Assistant County Prosecutor Peter Nastasi, plaintiff alleges that Defendant Nastasi in “his official or personal capacity or some other person in the Middlesex County Prosecutor's Office” authorized the issuance of an arrest warrant when they knew or should have known there was no basis for issuance of same. *Id. at* ¶ 34. As a result of this encounter, plaintiff asserts constitutional violations against the defendants collectively and seeks judgment for monetary damages. On a Motion to Dismiss on the pleadings, the allegations must be presumed true. . *Mortensen v. First Fed. Sav. & Loan Ass’n*, 549 F.2d 884, 891 (3d Cir. 1977).

In addition to the presumed truthfulness of the allegations, the court may take judicial notice that the Middlesex County Prosecutor’s mission is two-part: first, “to ensure public safety and security through the professional investigation of crime; and, second, [to engage in] the

“aggressive prosecution of the criminals responsible. ...” Mission Statement on web page.¹ In furtherance of its investigative mission, the MCPO formed the Crime Scene Unit which provides “specialized and technical services” to every police department in the County of Middlesex including Defendant WPD and to assist with “the detection, preservation, collection, and analysis of evidence.” (See MCPO website page attached as Exhibit B to Plaintiff’s Opposition Brief.) The Crime Scene Unit exists because

The successful prosecution of criminal cases requires a thorough and professional police investigation which frequently integrates the skills of personnel trained in evidence detection, preservation, collection, and analysis. This process, very often, begins at the crime scene. The Crime Scene Unit was established for the purposes of providing specialized and technical services to the entire Middlesex County law enforcement community...the Unit is regularly called upon to assist municipal law enforcement with the detection, preservation, collection, and analysis of evidence in a variety of criminal cases.

Id. In addition, the Prosecutor is also involved in the investigation of a crime through its Evidence Control Unit (See web site page on this unit attached to Plaintiff’s Opposition papers as Exhibit C). “The Evidence Control Unit is responsible for the storage, tracking, release, and disposal of both evidence and other items related to criminal investigations and prosecutions. [emphasis added].” *Id.*

Additionally, the MCPO has a special unit, the Technical Operations Unit, and special detectives who “are responsible for assisting investigations withinmunicipal law enforcement agencies with a variety of technical functions that assist in the discovery, access, and presentation of digital evidence related to criminal cases.” (See the description for the Technical Operations Unit attached to Plaintiff’s Opposition brief as Exhibit D). Given that this case depended solely on the emerging and highly controversial facial recognition technology, the Technical Operations unit either was involved or should have been involved in

¹<https://www.middlesexcountynj.gov/government/departments/departments-of-public-safety-and-health/office-of->

this investigation. The MCPO has asserted control and responsibility over criminal investigations. The MCPO has asserted with particular force in cases involving emerging technologies. It is un rebutted that Defendant Peter Nastasi, a member of the MCPO, reviewed the evidence prior to the issuance of the warrant and criminal complaint and that he, in fact, green lighted the criminal charges against plaintiff. The MCPO is clearly implicated in the intentional or reckless mishandling of the investigation of the underlying crime.

When a member of the Prosecutor's Office searches for the clues and corroboration for probable cause, he is not acting as a prosecutor. Therefore,

When a prosecutor performs the investigative functions normally performed by a detective or police officer, it is "neither appropriate nor justifiable that, for the same act, immunity should protect the one and not the other."

Buckely v. Fitzsimmons, 509 U.S. 259 (1993), citing *Hampton v. Chicago*, 484 F.2d 602, 608 (7th Cir., 1973). When prosecutors are acting in collaboration with the municipal police during the investigatory stage, they are not state officials, but are local officials. See also, *Kulwicki v. Dawson*, 969 F.2w. 1454, 1463 (3d Cir. 1992), quoting *Imler v. Pachtman*, 424 U.S. 409 (1976). Therefore, this claim must proceed under both Sec. 1983 and the NJCRA.

A jury must be allowed to determine whether the HCPO is liable because, *inter alia*:

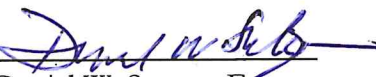
1. Peter Nastasi and MCPO detectives in supervising the investigation review and then approved a Criminal Complaint based only on a Facial Recognition result which under black letter law is not a viable basis for probable cause.
2. Peter Nastasi and the MCPO detectives in supervising the investigation allowed a facial recognition search which used an altered photograph to be used;

3. Peter Nastasi and the MCPO detectives in supervising the investigation suppressed in an intentional way or , in the alternative, in a reckless way the exonerating physical evidence of finger prints which demonstrated that the actual actor was Barrington A. Walker.
4. Peter Nastasi and the MCPO in supervising the investigation suppressed in an intentional way or, in the alternative in a reckless way which shocks the conscience the exonerating DNA evidence which proved that the actual actor was Barrington A. Walker.
5. Peter Nastasi and the MCPO failed to have a line up or other accepted process for having eye witnesses provide assistance.;

D. Conclusion

For the foregoing reasons and the shocking facts which show that the defendants knew or failed to know because of their reckless disregard that the actual actor was Barrington A. Walker and not the Plaintiff, Nijeer Parks. The record indicates that The MCPO Defendants supervised directed, and green lighted this outrage. Therefore, based upon the above cited authorities and based upon arguments made in Plaintiff's Opposition brief, the application of the Attorney General on behalf of the Middlesex County Prosecutor Defendants must be denied in its entirety.

Respectfully submitted,

By: 
Daniel W. Sexton, Esq.
Counsel for Plaintiff

cc Lori Dvorak via ECF only
Frederick L. Rubenstein via ECF only
Jordyn Jackson, DAG via ECR only
Client via email only

A

**WOODBIDGE POLICE DEPARTMENT
I.D. BUREAU REPORT**

Date: 01-26-2019 Alarm#: 19010123 Case #: _____
 Type of Crime: Agg Assault PD, Shoplifting
 Victims Name: Hampton Inn Address: 370 US HWY 9 N Hopelawn NJ
 Location of Incident: SAA
 I.D. Detective: Quesada C.I.D. Detective: Det. S. Tapia
 Arrival Time: 1230 Departure Time: 1330
 Scene Processed? Yes ☒ No ☐
 Scene Photographed? Yes ☒ No ☐ Photo File #: 014-19

Items Processed for Latent Prints	Location	Process Type	Results
<u>Glass Door</u>	<u>SAA</u>	<u>Metalic Powder</u>	<u>Lifted 3 prints off glass door</u>
<u>Vehicle outside driver window & inteior</u>	<u>Tow Yard</u>	<u>metalic powder</u>	<u>5 useable prints lifted</u>
<u>Febreze air fresher spray bottles</u>	<u>Lab</u>	<u>metalic powder</u>	<u>Neg</u>
<u>2 Lighter</u>	<u>Lab</u>	<u>metalic powder</u>	<u>Neg</u>
<u>cell phone charger</u>	<u>Lab</u>	<u>metalic powder</u>	<u>Neg</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Prepared for AFIS Entry: Yes ☒ No ☐

Narrative:

Responded to the Hampton Inn, for a shoplifting turned robbery and agg assault on PD. The scene was processed and photographed, photos were placed of 2 discs 1 of 1 w 45 images and 2 of 2 with 17 images. Photos consisted of the damage to patrol car #3 and damage to building from the suspect crashing into it. A water bottle that office observed the suspect drink and place into trash can was recovered. Above 3 prints recovered from glass door the suspect ran out from. The suspect sneaker that he lost during the foot pursuit was recovered. Consent search was conducted on the MV and additional prints and property were recovered and photographed. Prints recovered from MV and property will be sent out for processing. A Vape pen was recovered in the vehicle and a DNA along with THC test will be requested. An additional water bottle was recovered by patrol in a bag of property he dropped during the foot pursuit will be sent out for DNA along with a bag of suspected marijuana. Two Fabreze Air freshener spray bottles were recovered in MV w/Neg results. All property, prepared for evidence or DNA analysis. JMQ 1.2.3.12.13.14.15.16 was sent to Afis

I.D. Detective: Quesada

Date: 1-26-19

B

Affidavit of Probable Cause

COMPLAINT NUMBER

1225

W

2019

000156

COURT CODE

PREFIX

YEAR

SEQUENCE NO

WOODBIDGE MUNICIPAL COURT

1 MAIN STREET

WOODBIDGE

NJ 07095-0000

732-636-6430

COUNTY OF: MIDDLESEX

of CHARGES

CO-DEFTS

POLICE CASE #:

5

19010123

COMPLAINANT DET. S TAPIA

NAME:

1 MAIN ST.

WOODBIDGE

NJ 07095

THE STATE OF NEW JERSEY

VS.

NIJEER K PARKS

ADDRESS:

485 E. 19TH ST. APT # 3G

PATERSON

NJ 07522-0000

DEFENDANT INFORMATION

SEX: M EYE COLOR: BROWN

DOB: 09/11/1987

DRIVER'S LIC. # P06195927209872

DL STATE: NJ

SOCIAL SECURITY #: xxx-xx-x832 SBI #:

TELEPHONE #:

()

LIVESCAN PCN #:

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:

On Saturday January 26, 2019, The suspect went in to the Hertz rental located within the Hampton inn hotel on rt.9 No. in Woodbridge with the intent of exchanging a previously rented 2018 grey Challenger bearing New York registration JBD2162 with another Dodge Challenger. He presented a fraudulent Tennessee Driver's License with the name Jamal Owens and the suspect's real picture on it. Woodbridge Police Officers Lyszyk and Officer Lee were dispatched to investigate and the suspect presented them with the Tennessee driver's license. Officer Lyszyk contacted the Tennessee State Police and confirmed that the Tennessee driver's license was fraudulent. When the suspect was confronted by Patrol Officers Lyszyk and Lee, he resisted arrest and ran into the Dodge Challenger. He drove at Officer Lee, rammed the police car and the building. Officer Lee had to jump out of the way to avoid serious injury. Patrol Officers pursued the vehicle for a short distance and lost sight of it. Woodbridge Police I.D. Detective Quesada responded to the Hampton Inn Hotel and processed the scene. The suspect's sneaker, the fake Tennessee driver's license, and a water bottle that the suspect drank out of were brought back to Woodbridge headquarters for further processing. The vehicle was later located by Sgt. Flavell unoccupied on Mattison St. Woodbridge. Sgt. Flavell towed the vehicle to our impound yard for further processing by detectives. I contacted Hertz corporate security manager and I was given consent to search the vehicle. Detective Quesada processed the inside of the vehicle for fingerprints and several prints were lifted. I verified with Officer Lee and Officer Lyszyk that the picture on the fraudulent Tennessee driver's license was the picture of the suspect and they were 100% sure it was the suspect's picture. I sent out the suspect's Tennessee driver's license picture to the Regional Operations Intelligence Center (ROIC) and the New York State Intelligence Center (NYSIC) for facial recognition. On January 27, 2019, I received a high profile comparison to the picture on the fraudulent Tennessee driver's license. The suspect was identified as Nijeer Parks with a date of birth of September 11, 1987 with a last known address of 485 E. 19th St. Apt # 3G Paterson, NJ. I compared the photo on the fraudulent Tennessee driver's license to Nijeer Parks' real New Jersey driver's license and it is the same person.

Affidavit of Probable Cause

Page 8 of 10

1/1/2017

PARKS000008

Affidavit of Probable Cause

COMPLAINT NUMBER

1225**W****2019****000156**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY**VS.****NIJEER K PARKS**

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

3. If victim was injured, provide the extent of the injury:

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: PTL S TAPIA LAW ENFORCEMENT OFFICERDate: 01/30/2019**Affidavit of Probable Cause****Page 9 of 10**

1/1/2017

PARKS000009

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. NIJEER K PARKS ADDRESS: 485 E. 19TH ST. APT # 3G PATERSON NJ 07522-0000	
1225	W	2019	000156		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
WOODBIDGE MUNICIPAL COURT 1 MAIN STREET WOODBIDGE NJ 07095-0000 732-636-6430 COUNTY OF: MIDDLESEX					
# of CHARGES 5	CO-DEFTS	POLICE CASE #: 19010123		DEFENDANT INFORMATION	
COMPLAINANT NAME: DET. S TAPIA 1 MAIN ST. WOODBIDGE NJ 07095				SEX: M EYE COLOR: BROWN DOB: 09/11/1987 DRIVER'S LIC. #: P06195927209872 DL STATE: NJ SOCIAL SECURITY #: xxx-xx-x832 SBI #: () TELEPHONE #: () LIVESCAN PCN #:	

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.

- The complaining officer personally observed the offense.
- The offense/incident was recorded using electronic/surveillance via:
 - Dash Camera/MVR/DIVR
 - Surveillance Camera
- The defendant was a stranger to the victim.
- Identification procedures were used by utilizing:
 - Other/Explain Facial recognition
- A weapon was involved in the incident:
 - Other/Explain Vehicle
- Physical evidence was seized/recovered:
 - CDS:
 - *Marijuana
 - *Drug Paraphernalia
 - *Other Type(s) of physical evidence water bottle, sneaker
- The defendant fled, attempted flight, or resisted arrest.
 - *Foot pursuit
 - *Motor Vehicle pursuit
 - *Physical resistance
- The defendant operated a motor vehicle in a manner that endangered public safety.
- The case involves CDS and the evidence was recovered via:
 - Pedestrian Stop
- The case involves a consent search.

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: PTL. S TAPIA LAW ENFORCEMENT OFFICER Date: 01/30/2019

Preliminary Law Enforcement Incident Report

Page 10 of 10

7/20/2018

PARKS000010

C

Reset Form



FACIAL RECOGNITION INITIATIVE

Request for Facial Recognition/Photo Array

If the NJ ROIC Facial Recognition Initiative produces a possible match, this should only be considered an investigative lead. Further investigation is needed to confirm a possible match through other investigative corroborated information and/or evidence.
INVESTIGATIVE LEAD, NOT PROBABLE CAUSE TO MAKE AN ARREST.

Please submit this form by email to: flab@mvc.nj.gov. For questions or additional information, contact NJ ROIC Analysis at (609) 963-6900, ext. 6240, 6246, 6282, 6969, and 6277.

Date: January 27, 2019		Agency: Woodbridge Police Department	
Requestor: Det. Santiago Tapia #481		Title: Detective	
Email: santiago.tapia@twp.woodbridge.nj.us	Telephone: (732) 675-2555	Fax: (732) 634-2554	
Jurisdiction: Middlesex County		Case Number: 19010123	ORI Number: nj0122500
Supervisor Name Lt. Michael NG	Email: Michael.ng@twp.woodbridge.nj.us	Telephone: (732) 634-7319	

Suspect (If known):

Name: unknown		Alias(es) Jamal Owens
Date of Birth unknown	Race: Black	Gender: Male

Reason for Request:

Please be specific, and include any scars, marks, tattoos, blemishes, or other distinguishing characteristics that your subject may have.
Individual presented Woodbridge officers a fake Tennessee drivers license with his picture on it. When officers confronted him, he attempted to run over the officer with his vehicle, struck the rear of the police car and the side of a building before fleeing the scene. The vehicle was later recovered unoccupied. Inside of the vehicle we found evidence suggesting that he may be from the Bronx NY. I attached a copy of the fake drivers license. The officers are certain the picture on the drivers license is of the suspect. Can you check both NY and NJ database? I attached a copy of the fake drivers license.

For best results, please attach the image(s) separately in jpg format.

For NJ ROIC Use Only

MPTL #: _____

D

TAPIA, SANTIAGO

From: Seamus Lyons <lyons@RCPIN.net>
Sent: Monday, January 28, 2019 9:29 AM
To: TAPIA, SANTIAGO
Subject: RE: Aggravated Assault on a Police Officer (Flyer)

Good news. Yes, I used facial recognition software but altered the photo on the license a little to get the pixels clear. Got a high number hit and he is a Patterson NJ guy. We have facial recognition here at the Rockland County Intel Center. Keep my info and if you need anything in the future call or email. Stay safe.

Seamus

ROCKLAND COUNTY INTELLIGENCE CENTER PO BOX 295, NEW CITY, N.Y. 10956
INVESTIGATOR SEAMUS A. LYONS #891
ROCKLAND COUNTY SHERIFF'S DEPARTMENT INTELLIGENCE CENTER
55 NEW HEMPSTEAD ROAD, NEW CITY, N.Y. 10956
W-MAIN-845-364-3611
W-DIRECT-845-364-3632
W-CELL-845-521-0334
EMAIL- lyons@rcpin.net<mailto:lyons@rcpin.net>

From: TAPIA, SANTIAGO [santiago.tapia@twp.woodbridge.nj.us]
Sent: Monday, January 28, 2019 9:24 AM
To: Seamus Lyons
Subject: Re: Aggravated Assault on a Police Officer (Flyer)

Yes. He's fine. How did you guys ID him. Facial recognition through NYSIC or the ROIC?

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

----- Original message -----

From: Seamus Lyons <lyons@RCPIN.net>
Date: 1/28/19 9:17 AM (GMT-05:00)
To: "TAPIA, SANTIAGO" <santiago.tapia@twp.woodbridge.nj.us>
Subject: RE: Aggravated Assault on a Police Officer (Flyer)

Excellent !!!!!!!! how is the officer. Is he ok?

ROCKLAND COUNTY INTELLIGENCE CENTER PO BOX 295, NEW CITY, N.Y. 10956
INVESTIGATOR SEAMUS A. LYONS #891
ROCKLAND COUNTY SHERIFF'S DEPARTMENT INTELLIGENCE CENTER
55 NEW HEMPSTEAD ROAD, NEW CITY, N.Y. 10956
W-MAIN-845-364-3611
W-DIRECT-845-364-3632

E

W-CELL-845-521-0334

EMAIL- lyons@rcpin.net<mailto:lyons@rcpin.net>

From: TAPIA, SANTIAGO [santiago.tapia@twp.woodbridge.nj.us]

Sent: Monday, January 28, 2019 9:16 AM

To: Seamus Lyons

Subject: Re: Aggravated Assault on a Police Officer (Flyer)

That's him.

Thank you and Sgt. Dey for your help.

Tapia

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

----- Original message -----

From: Seamus Lyons <lyons@RCPIN.net>

Date: 1/28/19 8:40 AM (GMT-05:00)

To: "TAPIA, SANTIAGO" <santiago.tapia@twp.woodbridge.nj.us>

Subject: Aggravated Assault on a Police Officer (Flyer)

See attached PDF regarding your PD Police Information flyer Aggravated Assault on a Police Officer. Good possible hit on facial recognition. It was sent to us from the NJ PIP Police Sgt R. Dey. Let me know if you need any further. Good luck.

Inv Seamus Lyons

ROCKLAND COUNTY INTELLIGENCE CENTER PO BOX 295, NEW CITY, N.Y. 10956

INVESTIGATOR SEAMUS A. LYONS #891

ROCKLAND COUNTY SHERIFF'S DEPARTMENT INTELLIGENCE CENTER

55 NEW HEMPSTEAD ROAD, NEW CITY, N.Y. 10956

W-MAIN-845-364-3611 ✖

W-DIRECT-845-364-3632

W-CELL-845-521-0334

EMAIL- lyons@rcpin.net<mailto:lyons@rcpin.net>

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F

REQUEST FOR LATENT FINGERPRINT EXAMINATION

STATE OF NEW JERSEY
DEPT. OF LAW & PUBLIC SAFETY
IDENTIFICATION & INFORMATION TECHNOLOGY

POST OFFICE BOX 7068
W. TRENTON, NEW JERSEY 08628

THIS PACKAGE CONTAINS POTENTIAL SUSPECT
IDENTIFICATION. IT IS INCUMBENT UPON THE
SUBMITTING AGENCY TO PROVIDE POSITIVE ID FOR
PROSECUTORIAL PURPOSES.

LAW ENFORCEMENT FINAL VERIFICATION

NAME: _____
DATE: _____
AGENCY: _____

BB125 19
B0207

SUBMITTED AT:

☐ W. TRENTON: 609-882-2000 EXT. 2461
☒ HOLMDEL: 732-441-4500 EXT. 7225
☐ BUENA VISTA: 609-561-1800 EXT. 3326

SUBMITTING AGENCY AND ADDRESS:

Woodbridge Police
1main St Woodbridge NJ 07095

SUBMITTING AGENCY CASE NUMBER:

19010123

INVESTIGATION OFFICER:

ORI NUMBER:

NJ 0122500

TELEPHONE NUMBER:

732 634-7700 ext 2114

CRIME: 2C:12-1B(2)
2C:20-11

CRIME DATE:

01/26/19

SUSPECT:

UNK

BRIEF HISTORY:

Shoplifting turned Robbery with Agg Assault on Police.

ITEM #	COMMENT	CANDIDATE FBI NUMBER	CANDIDATE SBI NUMBER	FING/PALM NUMBER	LIFT ID/PATTERN TYPE/MINUTIAE
JMQ1		382204AE1		LP, LP	(01-01) PALM 106 PTS (01-02) PALM 51A
JMQ2		382204AE1		LP	(02-01) PALM 106 PTS
JMQ3					NS
JMQ4					NS
JMQ5					NS
JMQ6					NS
JMQ7					NS
JMQ8					NS
JMQ9					NS
JMQ10					NS
JMQ11					
JMQ12					
JMQ13					
JMQ14					
JMQ15					
JMQ16					

COMMENTS:

DELIVERED BY:

UK 2-3-19

RECEIVED BY: (INITIALS/DATE)

YAB 2-8-19

ADMINISTRATIVE REVIEW BY:
(INITIALS/DATE)

TWZ 19-19

ENTERED BY: (INITIALS/DATE)

PAB 2-13-19

COMPARED BY: (INITIALS/DATE)

PAB 2-14-19

RETURNED TO: (INITIALS/DATE)

UK 2-3-19

RETURNED BY: (INITIALS/DATE)

PAB 2-22-19

RELAUNCH ID BY: (INITIALS/DATE)

UK 2-3-19

TP/UL ID BY: (INITIALS/DATE)

PAB 2-22-19

IAFIS BY: (INITIALS/DATE)

2-14-19 PAB LS WE

IN THE EVENT THAT THIS CRIME IS CLEARED, EITHER AS A RESULT OF LATENT SEARCH
OR OTHER MEANS, PLEASE ADVISE THE BIOMETRIC IDENTIFICATION UNIT.

CJIS 2000 Response

Powered by CICS Web Services

NCIC 2000 Response

02/14/2019 07:54:00

7L01TCP LDNM8P45EF

NJNSP8600

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON FBI/382204AE1 PUR/C

NAME	FBI NO.	INQUIRY DATE
WALKER, BARRINGTON	382204AE1	2019/02/14

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	PHOTO
M	B	1993/02/28	601	180	BRO	BLK	N

BIRTH PLACE
UNITED STATES

FINGERPRINT CLASS PATTERN CLASS

ALIAS NAMES
WALKER, BARRINGTON A WALKER, BARRINGTON ANTHONY

MISC NUMBERS
AR-A204017146
FN-1131291065

IDENTIFICATION DATA UPDATED 2016/10/14

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:

FLORIDA	- STATE ID/FL08162342
MAINE	- STATE ID/ME0293517
FBI	- FBI/382204AE1










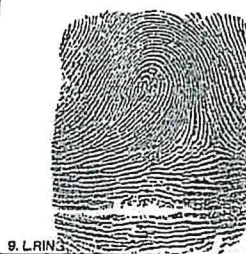





THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

END OF NCIC RESPONSE

[Back](#)

PARKS000100

LEAVE BLANK		CRIMINAL		(STAPLE HERE)				LEAVE BLANK	
STATE USAGE 		STATE USAGE NFF SECOND		APPROXIMATE CLASS		AMPUTATION		SCAR	
		SUBMISSION		APPROXIMATE CLASS		AMPUTATION		SCAR	
SIGNATURE OF PERSON FINGERPRINTED		SOCIAL SECURITY NO.		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX WALKER, BARRINGTON					
				LEAVE BLANK					
ALIASES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX									
FBI NO. 382204AE1	STATE IDENTIFICATION NO.	DATE OF BIRTH MM DD YY		SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
1. R. THUMB 		2. R. INDEX 		3. R. MIDDLE 		4. R. RING 		5. R. LITTLE 	
6. L. THUMB 		7. L. INDEX 		8. L. MIDDLE 		9. L. RING 		10. L. LITTLE 	
11. BOTH FINGERS TAKEN SIMULTANEOUSLY 		L. THUMB 		R. THUMB 		C746DN_Holmdg 02-14 08:08:46 12. BOTH FINGERS TAKEN SIMULTANEOUSLY 			

PARKS000101

2066077E1

9N47VT06M

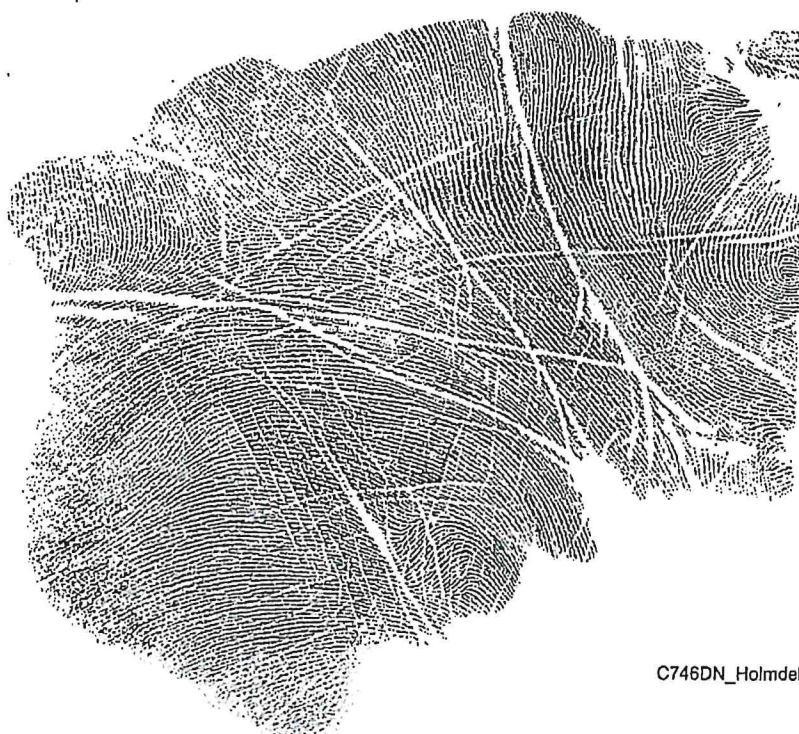
DATE PRINTED

SIGNATURE OF OFFICIAL TAKING PRINTS

ID NUMBER

CONTRIBUTOR (ORI)

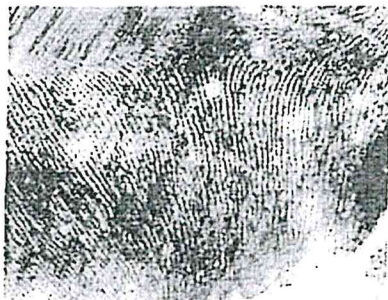
NJNSP7800



C746DN_Holmdel 2019-02-14 08:45:33

PARKS000102

BB122519B0207-01-01-01b



382204AE1



Field	Value
Search ID	BB122519B0207-01-01-01b
Respondent ID	382204AE1-36850229
Search Print Type	PALM
Respondent Print Type	PALM
Search Palm Segment	20
Respondent Palm Segment	27
Name	paulm
Operator	paulm
Workstation	NJSPWSholmdel1
Date	February 14, 2019
Time	9:35:52 AM EST
Search Date	February 13, 2019
Search Time	4:24:48 PM EST

PARKS000103

BB122519B0207-02-01-01b



382204AE1-LP



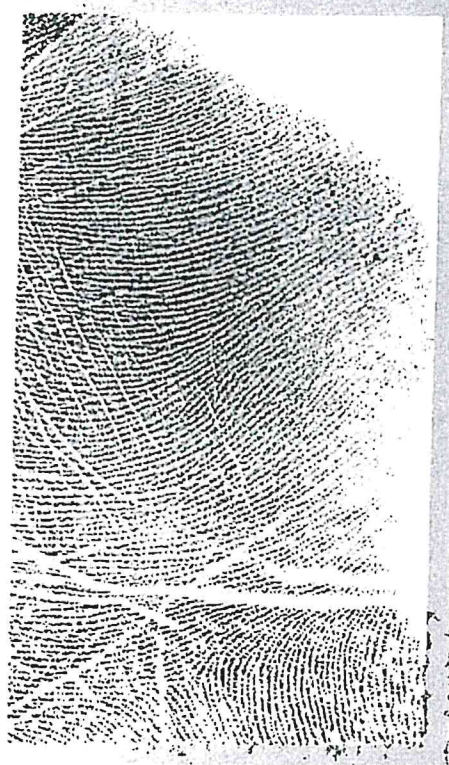
Field	Value
Search ID	BB122519B0207-02-01-01b
Respondent ID	382204AE1-36850233
Search Print Type	PALM
Respondent Print Type	PALM
Search Palm Segment	20
Respondent Palm Segment	27
Name	paulm
Operator	paulm
Workstation	NJSPWSholmdel1
Date	February 14, 2019
Time	9:27:55 AM EST
Search Date	February 13, 2019
Search Time	4:25:47 PM EST

PARKS000104

BB122519B0207-01-02-01b



382204AE1-LP



Field	Value
Search ID	BB122519B0207-01-02-01b
Respondent ID	382204AE1-38850232
Search Print Type	PALM
Respondent Print Type	PALM
Search Palm Segment	20
Respondent Palm Segment	27
Name	paulm
Operator	paulm
Workstation	NJSPWSholmdel1
Date	February 14, 2019
Time	10:00:55 AM EST
Search Date	February 13, 2019
Search Time	4:24:20 PM EST

PARKS000105

G

**WOODBIDGE POLICE DEPARTMENT
ID BUREAU SUSPECT REPORT**

Date: 01-26-2019

Alarm #: 19010123

Case#: _____

Suspect's Name: Walker, Barrington A
Address: 240 West 141 St Manhattan, NY
DOB: 02/28/1993
SOC: _____

Sex: Male
SBI#: -
FBI#: 382204AE1
WPD#: -

Latents Submitted to AFIS? _____
Date Submitted: 02-08-2019
Return Date: 02-22-2019

Yes ☒

No ☐ NA ☐
Submitted By: ID Tech W. Trevena #375
Returned By: ID Tech W. Trevena #375

Results of AFIS Submission

Latent Finger Print #: JMQ-2
Latent Finger Print #: _____
Latent Finger Print #: _____

Identified as # Left Palm Finger
Identified as # _____ Finger
Identified as # _____ Finger

Identification Made By: Det. Douglas Cioni #476
Identification Confirmed By: Lt. J Velez #332

Date: 01-22-2021

Date: 01-22-2021 *gsl #332*

Narrative:

The above listed individual was supplied by New Jersey State Police A.F.I.S.(Automated Fingerprint Identification System). The candidate was supplied as a result from a hit within AFIS. The individuals rolled impressions supplied by NJSP AFIS were then compared to the latent fingerprint discovered on the Hampton Inn exit door (above listed alarm #). The latent, similar in pattern, also displayed at least twenty exact minutea details making the latent an exact match with the left palm impression of Barrington Walker.

I.D. Detective: _____

[Signature]
Signature

Date: _____

1-22-21

Completed

WPD-063 (10/05-b)

H

DNA REQUEST

Woodbridge Police Department

1 Main Street

Woodbridge, N.J. 07095

732-634-7700

Crime:

Alarm # **19010123**

Date of Crime: 01-26-2019

Suspects: UNK

Victim: Woodbridge PD, Hampton INN

Investigated by: Det. J. Quesada / Det. S. Tapia

I responded to The Hampton Inn located at 370 US HWY 9N in Hopelawn N.J. on a report of a shoplifting turned robbery and aggravated assault on Police. The suspect was stopped by Police and the suspect presented a fake driver's license. While the license was being checked the suspect purchased a bottle of water and drank it in front of officers then placed it into a trash can where it was later recovered and photographed. When he was told he was under arrest he dropped a bag of property and fled on foot jumping into his vehicle and fleeing attempting to strike an officer and striking a patrol car. During the foot pursuit the suspect lost his sneaker that was recovered. The bag of property had an additional water bottle that was open and a bag of marijuana. The vehicle was recovered within an hour and a consent search conducted. During processing and search a vape pen (suspected THC) was recovered in the rear seat behind the driver seat. All of the items were photographed, collected, packaged, labeled and held for DNA submission.

It is requested that the listed items, JMQ4, JMQ5, JMQ6, JMQ7 be examined for discovery of DNA and if discovered perform a search with DNA on file.

Respectfully Submitted,

Detective Jorge Quesada #525

Woodbridge P.D. Detective Bureau/ Crime Scene

Direct: 732-634-7700 ext. 2114

PARKS000106

I



NEW JERSEY STATE POLICE
OFFICE OF FORENSIC SCIENCES

CODIS
INVESTIGATIVE HIT
NOTIFICATION

CODIS Unit
1200 Negron Drive
Hamilton, NJ 08691
Harpreet Singh,
CODIS Administrator
609-584-5054 x 5423

July 30, 2021

CODIS Hit #: CH21-0817

To Sir/Madam:

During a search of the CODIS (Combined DNA Index System) database, a high stringency match occurred between the following:

CASE(S):

Lab Specimen ID	Agency Name/Case #	Offense Date	Offense	Contact Info
E19-00917 #1-1-1_VC	Woodbridge Twp PD 19010123	01/26/2019	Aggravated Assault on a Police Officer, Resist, Obstruct, Disarm an Officer, Shoplifting County of: MIDDLESEX	P.O. QUESADA 1 MAIN STREET WOODBIDGE NJ 07095 732-634-7700

OFFENDER:

State	Name	DOB	State ID #	CO #	Comments
Maine	Barrington Anthony Walker	02/28/93	N/A	N/A	FBI# 382204AE1

The purpose of this letter is to inform you of a possible investigative lead.

Please submit a buccal swab reference sample to the laboratory for comparison to the evidentiary DNA profiles.

If the New Jersey State Police Office of Forensic Sciences can be of any further assistance, please do not hesitate to contact the laboratory at 609-584-5054.

Sincerely,

Joseph Mignone
Forensic Scientist 2
NJSP Office of Forensic Sciences

Reviewed By:

cc: County Prosecutor's Office
NJSP Regional Operations Intelligence
Center Section

Page 1 of 1

CH21-0817

OFS(CODIS)044

(Rev 09/20)

Letter Format Approved By: Director OFS

PARKS000149

J

Main Form

Page 1 of 3


**WOODBIDGE POLICE DEPARTMENT
WOODBIDGE, NJ**
INCIDENT # / REPORT #
19010123 / 8

OFFICER
LEE, F

BADGE
591

REVIEW STATUS
APPROVED

INCIDENT #19010123 DATA

As Of 02/13/2019 11:48:50

BASIC INFORMATION
CASE TITLE

AGG ASS/ WOODBRIDGE TWP

LOCATION

370 US HWY 9 N

APT/UNIT #
DATE/TIME REPORTED

01/26/2019 12:21:50

DATE/TIME OCCURRED

On or about 01/26/2019 12:21

INCIDENT TYPE(S)/OFFENSE(S)

(2C:20-11)SHOPLIFTING

(2C:12-1B(2))AGGRAVATED ASSAULT W/WEAPON

(2C:29-3)HINDERING APPREHENSION OR PROSECUTION

(2C:21-2.1(C))EXHIBITIS A FALSE GOVERNMENT DOCUMENT

(2C:35-10(A)(4))POSSESSION OF CDS (MARIJUANA) UNDER 50G

(2C:36-2)USE OR POSSESSION DRUG PARAPHERNALIA

(39:4-129)LEAVING SCENE OF ACCIDENT

(39:4-96)TRAFFIC REGULATION

(39:3-76.2)SAFETY BELTS OR RESTRAINING DEVICES

(2C:29-2A(2))RESISTING ARREST/BY FLIGHT

(39:4-130)TRAFFIC REGULATION

(2C:29-1)OBSTRUCTING ADMINISTRATION OF LAW OR OTHER GOVERNMENT

(2C:29-2(B))ELUDING

(2C:17-3)CRIMINAL MISCHIEF

(2C:39-4(D))POSS WEAPON UNLAWFUL PURPOSE OTHER WEAPONS

PERSONS
ROLE
VICTIM

NAME

WOODBIDGE TWP,

SEX
RACE
AGE DOB
PHONE

ADDRESS: 1 MAIN ST WOODBRIDGE, NJ

(HOME) 732-634-7700

(CELL)

VICTIM

HAMPTON INN,

ADDRESS: 370 US HIGHWAY 9 NORTH HOPELAWN, NJ

(WORK) 732-556-9000

(CELL)

**REPORTING
PERSON**

CHARNECO, RICHARD A MALE WHITE

ADDRESS: 370 RT. 9 NORTH WOODBRIDGE, NJ

(HOME)

(CELL)

PARKS000076

Main Form

Page 2 of 3

WITNESS HIGGINS, CALEIGH FEMALE WHITE [REDACTED] (HOME)
 ADDRESS: 370 RT. 9 NORTH WOODBRIDGE, NJ [REDACTED] (CELL)

WITNESS GRANT, KAMISHA FEMALE BLACK [REDACTED] (HOME)
 ADDRESS: 370 RT. 9 NORTH WOODBRIDGE, NJ [REDACTED] (CELL)

OWNER/OPERATOR HERTZ, [REDACTED] (HOME)
 ADDRESS: 900 DOREMUS AVE. PT NEWARK, NJ [REDACTED] (CELL)

VICTIM LEE, FRANCIS POLICE MALE ASIAN/PACIFIC ISLANDER 36 10/17/1982 (WORK) 7326347700
 ADDRESS: 1 MAIN STREET WOODBRIDGE, NJ [REDACTED] (CELL)

OFFENDERS

STATUS	NAME	SEX	RACE	AGE	DOB	PHONE
DEFENDANT	PARKS, NIJEER K	MALE	BLACK	31	09/11/1987	(HOME) 570-516-4620
	ADDRESS: 485 E. 19TH ST 3G PATTERSON, NJ					(CELL) 570-516-4620

VEHICLES

ROLE	TYPE	YEAR	MAKE	MODEL	COLOR	REG #	STATE
SUSPECT VEHICLE		2018	DOD	CHA	GRAY	JBD2162	NY

STOLEN S	REC CODE	DATE REC	REC S	REC BY

PROPERTY

CLASS	DESCRIPTION	MAKE	MODEL	SERIAL #	VALUE
OTHER	FAKE TENNESSE DL			801527486	
OTHER	2 BACKWOOD SARK STOUT CIGAR PACKS				
OTHER	2 BACKWOOD SWEET AROMATIC CIGAR PACKS				
DRUGS/NARCOTICS	44 GRAMS OF SUSPECTED MARIJUANA				
DRUG/NARCOTIC EQUIPMENT	MARIJUANA GRINDER				
OTHER	SPRINT SIM CARD			8901120200	
OTHER	DUNKIN DONUTS RECEIPT			855	
OTHER	13 ASSORTED CANDIES				
OTHER	2 CLEAR EYE DROPS				

OFFICER REPORT: 19010123 - 8 / LEE, F (591)

PARKS000077

Main Form

Page 3 of 3

DATE/TIME OF REPORT

02/12/2019 10:39:32

TYPE OF REPORT

SUPPLEMENT

REVIEW STATUS

APPROVED

NARRATIVE

On February 5, 2019, I was contacted by Lt. Ng, who advised me that they currently had an individual, Nijeer Parks, who was involved in the incident on January 26, 2019. I arrived at HQ and was brought down to the processing area with Lt. Ng and Det. Sgt. Penicaro. Once there, I observed Mr. Parks sitting on the rail and identified him as being the suspect from the January 26, 2019 incident at the Hampton Inn on Rt. 9N.

REPORT OFFICERS

Reporting Officer:

LEE, F

591

Approving Officer:

ANDERSEN S

493

PARKS000078